

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

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KEITH TOLBERT

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Plaintiff,

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v.

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2:08-CV-108-MEF

CITY OF MONTGOMERY, *et al.*,

\*

Defendants.

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**ORDER ON MOTION**

On March 20, 2008 Plaintiff filed a pleading wherein he states that the court dismissed hi case and he, therefore, essentially requests that he not be required to pay the civil filing fee imposed by order entered February 28, 2008. The court construes Plaintiff's request as a Motion for Reconsideration of the court's February 28 order which directs payment of the civil filing fee from monies available in Plaintiff's prison account until the \$350.00 filing fee is paid in full.

Plaintiff's motion for reconsideration of the court's order directing payment of the filing fee shall be denied. This court must, under the provisions of 28 U.S.C. § 1915(b)(1), "assess and, when funds exist, collect" the \$350.00 filing fee from monies available to Plaintiff, when the amount in Plaintiff's account exceeds \$10.00. The court may not waive or temporarily exempt Plaintiff from compliance with the statutory provisions regarding payment of filing fees. Dismissal of the case for *any* reason still obligates Plaintiff to pay the filing fee.

Accordingly, it is

ORDERED that Plaintiff's March 20, 2008 pleading, construed as a Motion for Reconsideration (*Doc. No. 7*) be and is hereby DENIED.

Done, this 21st day of March 2008.

/s/ Charles S. Coody  
CHARLES S. COODY  
CHIEF UNITED STATES MAGISTRATE JUDGE